IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1564 OF 2007
IN
SUIT NO.1399 OF 1997

Siddarth S/o. Mahendra Chunilal Mehta. ... Plaintiff

Vs.

Mahendra Chunilal Mehta & Ors. ... Defendants

And

Rajendra Chunilal Mehta ... Intervenor/ Proposed Defendant

Ms. Neha P. Bhide for the plaintiff.

Ms. K.A. Shah for defendant 1 i/b A.G. Shah for defendant 1.

Mr. H.S.S. Murthy with Mr. P.D. Prasad Rao for the intervenor.

CORAM : SMT. RANJANA DESAI, J.

DATED : OCTOBER 25, 2007.

P.C.:-

1. This chamber summons is taken out by the proposed defendant praying that he may be impleaded in the proceedings in

the instant suit and be permitted to show cause by filing appropriate returns.

2. Affidavit in support of the chamber summons is filed by Rajendra C. Mehta – proposed defendant. Affidavits in reply are filed by Siddarth M. Mehta – the plaintiff and Mahendra C. Mehta - defendant 1. In paragraph 6 of the affidavit of Siddarth Mehta, it is stated that the plaintiff has no objection if the proposed defendant is impleaded as a party to the suit. In view of this statement, it is not necessary for me to go into the allegations and counter allegations made by the parties. I may record the statement made by learned counsel appearing for the proposed defendant that all the allegations made against the proposed defendant are denied by him.

3. In view of the statement made by the plaintiff in paragraph 6 of his affidavit in reply, the plaintiff shall implead the proposed defendant as defendant in the suit. Amendment to be carried out within four weeks from today. Learned counsel for the proposed

defendant states that the moment the amended proceedings are served on the advocate of the proposed defendant, he shall waive service on behalf of the proposed defendant. Learned counsel for the plaintiff says that she will file vakalatnama for the plaintiff during the course of the day. Her statement is accepted.

4. Chamber summons is disposed of.

[SMT. RANJANA DESAI, J.]